

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ANTHONY NEPUTE,

individually, and as
Owner of Quickwork LLC; and,

QUICKWORK LLC,

a limited liability company,
also d/b/a WELLNESS WARRIOR,

Defendants.

Case No. 4:21-cv-00437-RLW

CONSENT MOTION TO ENTER
ORDER FOR PERMANENT
INJUNCTION AND CIVIL
PENALTY JUDGMENT AGAINST
QUICKWORK LLC

On April 15, 2021, Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC”), filed its Complaint for Civil Penalties, Permanent Injunction, and Other Relief. ECF No. 1. Plaintiff alleges that Defendants Eric Anthony Nepute and Quickwork LLC (“Quickwork”) violated the Federal Trade Commission Act, 15 U.S.C. § 41 *et seq.*, and the COVID-19 Consumer Protection Act, Pub. L. No. 116-260, Title XIV, § 1401, by deceptively marketing their Wellness Warrior Vitamin D and Zinc products as treating or preventing COVID-19 without competent and reliable scientific evidence to support those claims. The United States and Quickwork have reached a settlement of the Complaint’s allegations and memorialized those terms in the attached proposed Stipulated Order for Permanent Injunction and Civil Penalty Judgment Against Quickwork LLC. The Stipulated Order imposes injunctive relief and requires Quickwork to pay a civil penalty. The

United States requests, with Quickwork's consent, that the Court approve and enter the proposed Stipulated Order.

“When reviewing a proposed consent decree, the trial court is to review the settlement for fairness, reasonableness, and adequacy.” *United States v. Metropolitan St. Louis Sewer Dist.*, 952 F.2d 1040, 1044 (8th Cir. 1992). In approving a consent decree, a court need not “resolve the merits of the claims or controversy.” *Citizens for a Better Environment v. Gorsuch*, 718 F.2d 1117, 1126 (D.C. Cir. 1983). “[T]he district court’s decision will not be disturbed unless the district court abused its discretion.” *United States v. Hercules, Inc.*, 961 F.2d 796, 800 (8th Cir. 1992).

This Stipulated Order is fair, reasonable, and adequate. It is the product of arms-length, good faith negotiations between represented parties, who consent to its entry. *See Hercules, Inc.*, 961 F.2d at 800. It addresses the concerns giving rise to the Complaint by imposing injunctive relief forbidding Quickwork from marketing its Wellness Warrior brand products to prevent or treat COVID-19. It also requires Quickwork to pay a \$1 million civil penalty—partially suspended due to Quickwork’s inability to pay, *see* 15 U.S.C. § 45(m)(1)(C)—which is commensurate with the size of Quickwork’s business and the scope of its conduct. Furthermore, it requires Quickwork send a notice to consumers clarifying that its products are not intended to treat or prevent COVID-19. It also imposes recordkeeping and reporting requirements, and provides a framework for resolving any alleged future violations. For these reasons, the Stipulated Order is appropriately tailored to resolve this dispute as to Quickwork.

Accordingly, Plaintiff respectfully requests that the Court enter the attached Stipulated Order, which will terminate the action against Quickwork. Quickwork consents to the United States’ request for the Court to enter the Stipulated Order.

This action continues against Defendant Eric Nepute, who is not a part of this settlement.

Dated: November 10, 2022

Respectfully submitted,

**FOR THE UNITED STATES OF
AMERICA:**

SAYLER FLEMING
United States Attorney
Eastern District of Missouri

SUZANNE J. MOORE MO#45321
Assistant United States Attorney
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 20th Floor
St. Louis, MO 63102
Tel: (314)539-2200
Fax: (314)539-2196
Email: suzanne.moore@usdoj.gov

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

ARUN G. RAO
Deputy Assistant Attorney General

AMANDA LISKAMM
Acting Director
Consumer Protection Branch

LISA K. HSIAO
Assistant Director
Consumer Protection Branch

/s/ Ben Cornfeld

BEN CORNFELD 1048311(DC)
BRANDON ROBERS 1112150055(MD)
ZACHARY L. COWAN 53432(NC)
Trial Attorneys
Consumer Protection Branch
U.S. Department of Justice
Civil Division
450 5th Street, N.W.
Washington, D.C. 20530
Tel: 202-598-7276 (Cornfeld)
Tel: 202-305-2023 (Robers)
Tel: 202-353-7728 (Cowan)
Fax: 202-514-8742
Benjamin.A.Cornfeld2@usdoj.gov
Brandon.Robers@usdoj.gov
Zachary.L.Cowan@usdoj.gov